

07 CV 2936

Paul P. Rooney (PR-0333)  
 REED SMITH LLP  
 599 Lexington Avenue, 28th Floor  
 New York, New York 10022  
 (212) 521-5400

Attorneys for Defendant  
 Bosch Rexroth Corporation

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 PRODUCTION RESOURCE GROUP LLC

Plaintiff,

- against -

BOSCH REXROTH CORPORATION

Defendant.  
 -----X

JUDGE CASTEL

APR 12 2007

CASHIERS

07 Civ. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant Bosch Rexroth Corporation ("Defendant"), by its counsel Reed Smith LLP, petitions this Court to remove this action, from the Supreme Court of the State of New York, New York County to this Court, pursuant to 28 U.S.C. §§ 1441 and 1446, and alleges as follows:

1. On or about February 8, 2007, Plaintiff Production Resource Group LLC ("Plaintiff") commenced this action by filing a Summons With Notice in the Supreme Court of the State of New York, Index No. 101867/07. A true and correct copy of the Plaintiff's Summons With Notice is annexed hereto as Exhibit "A."
2. Plaintiff delivered a copy of the Summons With Notice to Defendant on March 14, 2007.
3. Service was completed pursuant to New York General Business Law § 307 on March 23, 2007, the date Plaintiff filed its Notice of Service in the Supreme Court of the State of

New York. A true and correct copy of Plaintiff's Notice of Service is annexed hereto as Exhibit "B."

4. On April 3, 2007, Defendant served a Demand For Complaint upon Plaintiff. A true and correct copy of the Demand for Complaint is annexed hereto as Exhibit "C." No other pleadings have been filed in this case.

5. The state court where Plaintiff originally filed this action is located in New York, New York, which is in this judicial district as required by 28 U.S.C. § 1441(a).

6. Plaintiff alleges damages of "no less than" \$1,000,000.00. *See* Exhibit "A" at 1.

7. Upon information and belief, Plaintiff and Defendant have diverse citizenship. Defendant is incorporated in the Commonwealth of Pennsylvania and has its principal place of business in the State of Illinois. Accordingly, it is a citizen of Illinois and Pennsylvania for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

8. Plaintiff is a limited liability company formed in the State of Delaware. The citizenship of a limited liability company is that of its members. Defendant has requested Plaintiff to disclose the identity its members and their citizenship, but Plaintiff has yet to provide that information.

9. After a reasonable investigation, Defendant has determined that Plaintiff Production Resource Group, LLC is a citizen of the State of New York because its sole member is Harris Production Services, Inc. ("Harris Production Services"), which is a New York citizen. Harris Production Services is a New York citizen because it is incorporated in New York and maintains its principal place of business at 539 Temple Hill Road, New Windsor, New York 12553.

10. Defendant has determined that Harris Production Services is the sole member of Production Resource Group, LLC on the basis of the following facts.

11. According to Production Resource Group LLC's Second Amended Limited Liability Company Agreement, as of December 1, 1997 it had nine members, including Harris Production Services. According to a Form 10-Q that Production Resources Group LLC filed with the United States Securities and Exchange Commission, on June 15, 1999 "the members of [Production Resources Group LLC] (other than Harris Production Services, Inc.) ('HPS') contributed their equity interested (membership units) in [Production Resource Group, LLC] to Production Resource Group, Inc. ("PRG, Inc.')." *See* Production Resource Group Quarterly Report (10-Q) dated 11/15/1999 at p. 5. "PRG, Inc. then contributed the ownership interest in [Production Resources Group LLC] to HPS." *Id.*

12. In summary, Harris Production Services received all of the membership units of Production Resource Group LLC and, consequently, is the sole member of Production Resource Group, LLC.

13. Production Resource Group LLC, for purposes of diversity jurisdiction, has the citizenship of its only member, Harris Production Services. Harris Production Services is incorporated in New York and has its principal place of business in New York. Accordingly, Production Resource Group is a citizen of New York for purposes of diversity jurisdiction.

14. Thus, had this action been brought here originally, this Court would have had original diversity jurisdiction over the subject matter under 28 U.S.C. § 1332(a)(1) because it is a civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

15. This Notice is timely as it is being filed within 30 days of service of process upon Defendant.

16. Accordingly, the statutory requirements having been met, this action is properly removed to this Court.

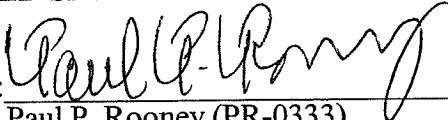
17. Promptly upon the filing of this Notice, Defendant is filing a copy of this Notice with the Clerk of the state court, and is giving written notice of this removal to Plaintiff.

WHEREFORE, Defendant Bosch Rexroth Corporation requests that the aforementioned civil action be removed to this Court for all future proceedings.

Dated: New York, New York  
April 12, 2007

Respectfully submitted,

REED SMITH LLP

By:   
Paul P. Rooney (PR-0333)

599 Lexington Avenue  
28th Floor  
New York, New York 10022  
(212) 521-5435

Attorneys for Defendant  
Bosch Rexroth Corporation

TO: Neil G. Marantz, Esq.  
Atlas & Marantz LLP  
143 Madison Avenue  
New York, New York 10016  
(212) 213-9666  
Attorney for Plaintiff

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
PRODUCTION RESOURCE GROUP L.L.C.,

Plaintiff,

- against -

BOSCH REXROTH CORPORATION,

Defendant.  
-----X

Index No.

101867/07

Date Filed:

FEB 08 2007

Plaintiff designates

New York County

as the place for trial

The basis of the venue is

Contractual/Plaintiff's address

*Summons with Notice*

Plaintiff's Address:

630 Ninth Avenue

New York, NY 10036

To the above named Defendant:

**You are hereby summoned** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: February 5, 2007

Defendant's address:

BOSCH REXROTH CORPORATION  
5150 Prairie Stone Parkway  
Hoffman Estates, IL 60192

ATLAS & MARANTZ LLP

By:

*Neil G. Marantz*  
Neil G. Marantz, Esq.

Attorneys for Plaintiff

143 Madison Avenue

New York, NY 10016

(212) 213-9666

Notice: This is an action for breach of contract, negligence, and quantum meruit whereby Plaintiff seeks to recover damages in an amount to be determined at trial, but in no event less than \$1,000,000.00, in connection with Defendant's failure to provide competent work, labor, services and materials, and its failure and refusal to remedy such work, labor, services and materials, in connection with the construction of the Le Reve Aqua Theater at the Wynn Las Vegas hotel. Upon your default, the foregoing relief will be granted together with costs and disbursements.

COUNTY CLERK'S OFFICE

FEB 08 2007

NOT COMPARED

Exhibit  
B

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
:  
PRODUCTION RESOURCE GROUP L.L.C.,

:  
:  
Plaintiff,

:  
:  
- against -

:  
BOSCH REXROTH CORPORATION,

:  
Defendant. :  
-----X

Index No. 101867/07

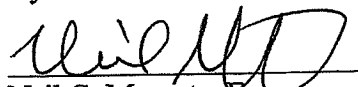
**NOTICE OF SERVICE**

PLEASE TAKE NOTICE, that the within Summons with Notice was served upon the  
defendant, BOSCH REXROTH CORPORATION, pursuant to Business Corporation Law §307,  
on March 14, 2007.

Dated: New York, New York  
March 23, 2007

ATLAS & MARANTZ LLP

By:



Neil G. Marantz, Esq.

Attorneys for Plaintiff

143 Madison Avenue

New York, New York 10016

(212) 213-9666

TO: BOSCH REXROTH CORPORATION  
5150 Prairie Stone Parkway  
Hoffman Estates, IL 60192

BOSCH REXROTH CORPORATION  
c/o Illinois Corporation Service Company  
801 Adlai Stevenson Drive  
Springfield, IL 62703

BOSCH REXROTH CORPORATION  
2315 City Line Road  
Bethlehem, PA 18017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
PRODUCTION RESOURCE GROUP L.L.C.,

Plaintiff,

- against -

BOSCH REXROTH CORPORATION,

Defendant.  
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Index No.

101867/07

Date Filed:

FEB 08 2007

Plaintiff designates

New York County  
as the place for trial

The basis of the venue is

Contractual/Plaintiff's address

*Summons with Notice*

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630 Ninth Avenue  
New York, NY 10036

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~~You are hereby summoned~~ to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: February 5, 2007

Defendant's address:

BOSCH REXROTH CORPORATION  
5150 Prairie Stone Parkway  
Hoffman Estates, IL 60192

ATLAS & MARANTZ LLP

By:

*Neil G. Marantz*  
Neil G. Marantz, Esq.

Attorneys for Plaintiff

143 Madison Avenue  
New York, NY 10016  
(212) 213-9666

Notice: This is an action for breach of contract, negligence, and quantum meruit whereby Plaintiff seeks to recover damages in an amount to be determined at trial, but in no event less than \$1,000,000.00, in connection with Defendant's failure to provide competent work, labor, services and materials, and its failure and refusal to remedy such work, labor, services and materials, in connection with the construction of the Le Reve Aqua Theater at the Wynn Las Vegas hotel. Upon your default, the foregoing relief will be granted together with costs and disbursements.

COUNTY CLERK'S OFFICE

FEB 08 2007

NOT COMPARED

Exhibit  
C

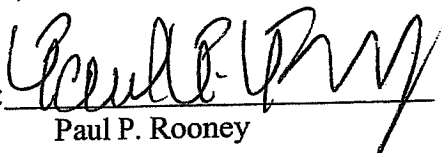
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X  
PRODUCTION RESOURCE GROUP, LLC, : **DEMAND FOR COMPLAINT**  
Plaintiff, : Index No. 101867/07  
v. :  
BOSCH REXROTH CORPORATION, :  
Defendants. :  
: X  
-----

Defendant Bosch Rexroth Corporation hereby demands that a copy of the  
complaint be served upon its attorneys, Reed Smith LLP, at 599 Lexington Avenue, 28th Floor,  
New York, New York 10022.

Dated: April 3, 2007  
New York, New York

REED SMITH LLP  
599 Lexington Avenue, 28th Floor  
New York, New York 10022  
(212) 521-5435

By:   
Paul P. Rooney

*Attorneys for Defendant  
Bosch Rexroth Corporation*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

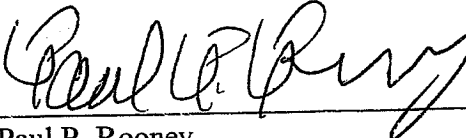
-----X  
PRODUCTION RESOURCE GROUP, LLC, : **AFFIRMATION OF SERVICE**  
Plaintiff, : Index No. 101867/07  
v. :  
BOSCH REXROTH CORPORATION, :  
Defendants. :  
: X  
-----

I, PAUL P. ROONEY, an attorney-at-law duly admitted to the practice of law  
before the Bar of the State of New York, hereby affirm under the penalties of perjury pursuant to  
CPLR 2106 as follows:

1. I am the attorney for the Defendant Bosch Rexroth Corporation. I am a resident  
of Glen Ridge, New Jersey, am over 18 years of age and am not a party to this civil action.
2. On April 3, 2007, I caused a true and correct copy of the foregoing **DEMAND  
FOR COMPLAINT** to be served by depositing a true and correct copy in a wrapper bearing  
sufficient postage to effective delivery by United State Mail First Class upon Plaintiff at the  
following address:

Neil G. Marantz, Esq.  
Atlas & Marantz LLP  
143 Madison Avenue  
New York, New York 10016

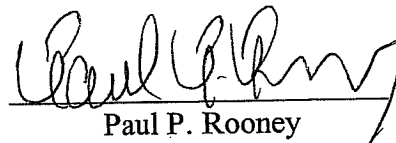
Dated: April 2, 2007  
New York, New York

  
Paul P. Rooney

**CERTIFICATE OF SERVICE**

I, Paul P. Rooney, Esq., hereby certify that on April 12, 2007 I caused the annexed NOTICE OF REMOVAL to be served upon Plaintiff via United States Mail – First Class by causing an envelope containing said papers with sufficient postage to effect delivery to be deposited in an official depository addressed as follows:

Neil G. Marantz, Esq.  
Atlas & Marantz LLP  
143 Madison Avenue  
New York, NY 10016

  
Paul P. Rooney

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

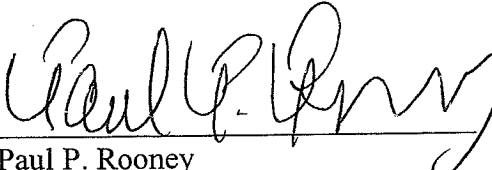
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PRODUCTION RESOURCE GROUP, LLC, : **AFFIRMATION OF SERVICE**  
  
Plaintiff, : Index No. 101867/07  
  
v. :  
  
BOSCH REXROTH CORPORATION, :  
  
Defendant. :  
  
: X  
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I, PAUL P. ROONEY, an attorney-at-law duly admitted to the practice of law  
before the Bar of the State of New York, hereby affirm under the penalties of perjury pursuant to  
CPLR 2106 as follows:

1. I am the attorney for the Defendant Bosch Rexroth Corporation. I am a resident  
of Glen Ridge, New Jersey, am over 18 years of age and am not a party to this civil action.
2. On April 12, 2007, I caused a true and correct copy of the foregoing **PRAECIPE  
TO FILE NOTIFICATION AND NOTICE OF REMOVAL, NOTIFICATION OF  
FILING OF NOTICE OF REMOVAL, AND NOTICE OF REMOVAL** to be served by  
depositing a true and correct copy in a wrapper bearing sufficient postage to effective delivery by  
United State Mail First Class upon counsel for Plaintiff at the following address:

Neil G. Marantz, Esq.  
Atlas & Marantz LLP  
143 Madison Avenue  
New York, New York 10016

Dated: April 12, 2007  
New York, New York

  
Paul P. Rooney

**07 CV 2936**

Paul P. Rooney (PR-0333)  
 REED SMITH LLP  
 599 Lexington Avenue, 28th Floor  
 New York, New York 10022  
 (212) 521-5400

**JUDGE CASTEL**

Attorneys for Defendant  
 Bosch Rexroth Corporation

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 PRODUCTION RESOURCE GROUP LLC

Plaintiff,

- against -

BOSCH REXROTH CORPORATION

Defendant.  
 -----X

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: 07 Civ. \_\_\_\_\_

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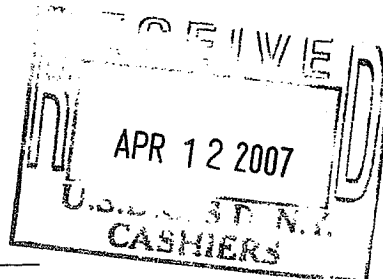
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: **RULE 7.1 STATEMENT**: **OF DEFENDANT**: **BOSCH REXROTH CORPORATION**

Defendant Bosch Rexroth Corporation makes the following disclosure under Fed.

R. Civ. P. 7.1: Bosch Rexroth Corporation is not publicly held. It has no corporate parent, subsidiaries, direct affiliates or other such interests that are publicly held.

Dated: New York, New York  
 April 12, 2007

Respectfully submitted,

REED SMITH LLP

By: 

Paul P. Rooney (PR-0333)

599 Lexington Avenue  
 28th Floor  
 New York, New York 10022  
 (212) 521-5435

Attorneys for Defendant  
 Bosch Rexroth Corporation